

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

On the Commissioner's Own Motion for a Determination of the Adequacy of Warning Devices at the Grade Crossing of the Wisconsin Central Ltd. Tracks with Lake Drive in the Town of Amherst, Portage County

9164-RX-572

FINDINGS OF FACT AND ORDER

On July 28, 2004, the Commissioner of Railroads directed the staff of the Office of the Commissioner of Railroads (OCR) to investigate the adequacy of warning devices under §195.28, Stats., at the grade crossing of the Wisconsin Central Ltd. (WCL) tracks with Lake Drive in the Town of Amherst, Portage County (Crossing No. 692 514P / MP 235.9).

An OCR investigator inspected the crossing in August, 2004. No hearing was held.

Findings of Fact

THE COMMISSIONER FINDS:

Lake Drive is 24' wide in the vicinity of the crossing and intersects the railroad tracks at an angle of 80°. Lake Drive carried an average daily traffic (ADT) of 250 according to 2000 DOT records.

The WCL operates 25 through train movements per day over the crossing at a timetable speed of 60 mph. The crossing consists of one mainline track.

The exposure factor at this crossing is 6250. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

At all crossings, except those with gates, a driver stopped 15' short of the near rail must be able to see far enough down the track, in both directions, to determine if sufficient time exists for moving their vehicle safely across the tracks to a point 15' past the far rail, prior to the arrival of a train. Required clearing sight distance along both directions of the track, from the stopped position of the vehicle, is dependent upon the maximum train speed and the acceleration characteristics of the "design" vehicle. The necessary clearing sight distance at the Lake Drive crossing is 1345'. The available clearing sight distance is more than 1345'.

Two train-vehicle accidents have occurred at this crossing since 1973. The accidents occurred in 1980 and 1988.

Accidents that do occur here will likely be quite serious if a through train is involved due to their 60 mph speed. Train speed is strongly correlated with fatalities in train/vehicle accidents. More specifically, crossings with train speeds of 40 mph and over have a disproportionate number of

fatalities. According to Federal Railroad Administration (FRA) statistics, nationally, in 1994 71% of fatalities occurred at crossings with train speeds of 40 mph+, even though only 26% of all crossings had train speeds of 40 mph+.

The Wisconsin Department of Transportation has produced a benefit-cost analysis for all at-grade crossings in the state. Installing new automatic flashing lights with gates and constant warning time circuitry at the Lake Drive crossing has a net benefit of about \$555,000. The benefit-cost ratio is about 4.21 meaning that the public will receive \$4.21 in safety benefits for each dollar expended.

The crossing presently has 12" incandescent automatic flashing lights and advance warning signs for warning devices. The existing warning devices are inadequate. The existing warning devices will be adequate until such time as the new warning devices are installed. In order to adequately protect public safety 12" LED automatic flashing lights with gates and constant warning time circuitry are needed because of the number of trains, the speed of trains, and the projected net benefit.

Constant warning time circuitry adjusts for train speed and causes the crossing signals to always operate for the same amount of time before the train reaches the crossing, regardless of train speed. A motion detector simply detects the train operation, but does not adjust for train speed so that the amount of warning time varies based on train speed.

Light emitting diodes (LED) are a relatively new application for crossing signals. The LED lamps replace the incandescent bulbs. LEDs have higher conspicuity, a wider cone of vision, and longer life than incandescent lights. LEDs are especially useful on east-west roadways where the rising and setting sun may make the signals difficult to see.

Source of funding: The OCR will use federal and state safety funds to pay the cost of the signal materials and installation.

Conclusion on the Issue

THE COMMISSIONER CONCLUDES:

That in order to adequately protect and promote public safety, it is necessary to install and maintain 12" LED automatic flashing lights with gates and constant warning time circuitry at the crossing of the tracks of the Wisconsin Central Ltd. with Lake Drive in the Town of Amherst, Portage County.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §195.28, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the **Wisconsin Central Ltd.** shall install and maintain 12" LED automatic flashing lights with gates, constant warning time circuitry and other appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks with Lake Drive at-grade in the Town of Amherst, Portage County by **December 31, 2005** (Crossing No. 692 514P / MP 235.9).

2. That the **Wisconsin Central Ltd.** shall submit to the Office of the Commissioner of Railroads signal and circuit plans with the cost estimate of its proposed installation and upon completion of the signal project, a detailed statement of the actual cost to the Office and to the Wisconsin Department of Transportation.

3. That the signal installation work herein ordered shall not begin until the district office of the Wisconsin Department of Transportation informs the railroad that they may start such work and such start notice will not be issued until appropriate federal aid or other funding arrangements have been assured. The cost of the new project initiated before the start notice will not be reimbursed with public funds and shall be the responsibility of the railroad.

4. That the **Wisconsin Central Ltd.** shall bear no part of the cost of the crossing signals installation, except for any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

5. That if the petitioner, railroad or any interested party objects to this order and requests a hearing within 20 days of the date of this order in writing, the Office will hold a public hearing.

6. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads